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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,882	03/19/2004	Stephen James Field	0119/0034	7153
21395	7590	04/05/2007		
LOUIS WOO LAW OFFICE OF LOUIS WOO 717 NORTH FAYETTE STREET ALEXANDRIA, VA 22314			EXAMINER JAWORSKI, FRANCIS J	
			ART UNIT	PAPER NUMBER
			3768	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/803,882

Applicant(s)

FIELD ET AL.

Examiner

Jaworski Francis J.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,3-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3 – 18 as currently amended are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Rammler (US5327891, of record) and Sarkis (US5921933, of record) alone or further in view of Koulik (US7014610, newly of record).

Rammler as earlier noted is directed to angioplasty catheter construction by inter alia extrusion during which microbubbles are added per col. 3 lines 49 – 52. While the vane portion is thin per 5 – 100 mils this is due to the angioplasty application in small vasculature, and Rammler defines an inner and outer device, vane and track either of

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which may contain the microbubbles, the vane being thicker than the inner tubular member 44, 46 and the dilatable tube portion 42, and the track being thicker than the vane. Sarkis et al notes Rammler and discusses plastic echogenic catheter constructs where in terms of a pacing lead the inner or outer extruded polymer plastic sleeves 34, 38 or 40 of respective Figures 5 and 5 or either extruded catheter plastic layer 42, 44 of Fig. 6 or the outer tube or inner strut of Fig. 8 may be echogenically formed by mixing of echogenic particles within the extruded components.

Accordingly it may be considered that Sarkis would teach complete layered catheter extrusion when combined with Rammler or conversely, Rammler as cited in Sarkis would evidence the equivalence of bubble mixing into the polymers being extruded into the various catheter wall components of the latter as they are variously thickness apportioned, since Sarkis is simply noting that particle use as opposed to gas bubbles allows more echogenicity with less alteration of overall catheter properties.

In the alternative, Koulik may be added in supplement to evidence that when phase separated composition using an extractable material is prepared prior to the extrusion (col. 9 midportion) such as inter alia for the manufacture of any of a variety of catheters (col. 5 bottom and col. 9 lines 42 – 50) then microbubbles may be mixed in by an entrapped gas per col. 5 or using commercial LEVOVIST™ or ALBUNEX™ microbubble preparations col. 7 such that pore wall presumably thickness and associated characteristics may be adjusted, col. 2 lines 39 – 41.

Response to Arguments

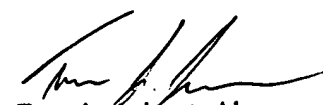
The examiner is opposing patentability because the prior art evidences that echogenic catheters were equally manufactured with gas bubble inclusion in the catheter proper as opposed to thickness-limited coatings as well as solid echogenic particle inclusion during the extrusion process and during multi-layer extrusions and without deference to limitations in proportionalities between layers or which layers contained the echogenicity.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jaworski Francis J. at telephone number 571-272-4738.

FJJ:fjj
032807


Francis J. Jaworski
Primary Examiner